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FILED  
OCT 15 2013  
SUPERIOR COURT OF CALIFORNIA  
BY \_\_\_\_\_  
COUNTY OF FRESNO  
DEPUTY

8 SUPERIOR COURT OF CALIFORNIA – COUNTY OF FRESNO  
9  
10 CENTRAL DIVISION – UNLIMITED CIVIL

11 CAROLYN J. GLENN, ) Case No.: 13 CE CG 03218  
12 Plaintiff, )  
13 vs. )  
14 CLOVIS UNIFIED SCHOOL DISTRICT; )  
15 GEOFFREY TIFTICK; and )  
16 DOES 1 through 100, inclusive, )  
17 Defendants. )  
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**COMPLAINT FOR DAMAGES FOR:  
DISCRIMINATION AND  
HARASSMENT ON THE BASIS OF  
AGE; FAILURE TO PREVENT  
DISCRIMINATION, HARASSMENT  
AND RETALIATION; RETALIATION  
FOR OPPOSING ILLEGAL  
EMPLOYMENT PRACTICES;  
INTENTIONAL AND NEGLIGENT  
INFILCTION OF EMOTIONAL  
DISTRESS; AND DEMAND FOR JURY  
TRIAL**

**PRELIMINARY STATEMENT**

21 1. This action arises under provisions of the California Fair Employment and  
22 Housing Act, California Government Code section 12900 et seq., and the Age Discrimination in  
23 Employment Act, 29 U.S.C.A. § 623 et seq., to remedy Defendants' unlawful employment  
24 practices of discrimination and harassment on the basis of age and retaliation, and to provide  
25 Plaintiff appropriate relief from the adverse effects of such practices. Plaintiff is seeking  
26 declaratory and injunctive relief in addition to damages in order to redress the deprivation of her  
27 rights from employment discrimination and harassment on the basis of age and retaliation  
28 perpetrated by the Defendants.

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1       2. This action also arises under California State law and federal law to provide  
2 appropriate relief to Plaintiff who was adversely affected by the unlawful practices of  
3 Defendants. Plaintiff's damage to her reputation and welfare was caused by Defendants'  
4 unlawful practices and their intentional and malicious and/or reckless actions.

5       3. Prior to Defendants' last acts of discrimination, harassment and/or retaliation,  
6 Plaintiff was a kindergarten teacher at Jefferson Elementary School and employed by Defendant  
7 Clovis Unified School District. The principal at Jefferson Elementary School is Defendant  
8 Geoffrey Tiftick. Defendant Geoffrey Tiftick continuously and pervasively engaged in  
9 discriminating, harassing and retaliatory conduct towards Plaintiff to such an extent that working  
10 conditions became hostile, abusive and/or intolerable. In addition to Defendant Geoffrey  
11 Tiftick's illegal conduct, Defendant Clovis Unified School District also engaged in the  
12 discrimination, harassing and retaliatory conduct directly and by failing to take all reasonable  
13 steps necessary to prevent the discrimination, harassment and/or retaliation from occurring.  
14 Defendant Clovis Unified School District also engaged in an institutional cover-up and retaliated  
15 against Plaintiff for coming forward and complaining of the illegal conduct.

16       **PARTIES, JURISDICTIONAL AND PROCEDURAL ALLEGATIONS**

17       4. At all material times Plaintiff Carolyn Glenn ("Glenn") was a female resident of  
18 the State of California, County of Fresno.

19       5. At all material times Glenn worked for Clovis Unified School District as an  
20 elementary school teacher.

21       6. Glenn is informed and believes and thereon alleges at all times herein mentioned  
22 Defendant Clovis Unified School District (sometimes referred herein as "CUSD" or "the  
23 District") is a public entity properly recognized and sanctioned by the laws of the State of  
24 California, with its principal place of business in the State of California, County of Fresno.

25       7. Glenn is informed and believes and thereon alleges at all times herein mentioned  
26 CUSD is and was subject to the California Fair Employment and Housing Act ("FEHA")  
27 because it has continuously and does now employ more than 5 persons. Glenn is informed and  
28 believes and thereon alleges at all times herein mentioned CUSD is and was subject to the Age

1 Discrimination in Employment Act (“ADEA”) because it is and was an employer engaged in an  
2 industry affecting commerce and has twenty or more employees for each working day in each of  
3 twenty or more calendar weeks in the current or preceding calendar year.

4       8. Glenn is informed and believes thereon alleges at all times herein mentioned  
5 Defendant Geoffrey Tiftick (“Tiftick”) is an individual domiciled in the State of California,  
6 County of Fresno, and employed by CUSD as principal of Jefferson Elementary School. Tiftick  
7 was Glenn’s supervisor and is or was at all material times acting within the course and scope of  
8 his employment as a direct or indirect agent of CUSD.

9       9. The true names and capacities of the Defendants named herein as DOES 1  
10 through 100, inclusive, whether individual, corporate, associate, or otherwise, are unknown to  
11 Glenn who therefore sues such Defendants by fictitious names under California Code of Civil  
12 Procedure section 474. Glenn is informed and believes and thereon alleges that DOE Defendants  
13 are California residents. Glenn will amend this Complaint to show such true names and  
14 capacities when they have been determined. Glenn is informed and believes, and thereon alleges,  
15 that each of the Defendants, herein designated as a DOE, proximately caused the injuries and  
16 damages to Glenn as hereinafter alleged. Glenn is informed and believe that each Defendant is  
17 the agent of the other Defendants or ratified the conduct of the other Defendants and thereby is  
18 liable for their conduct.

19       10. Glenn is informed and believes that at all times herein mentioned each of the  
20 Defendants, including DOE defendants, was the agent and employee of each remaining  
21 Defendants and in engaging in the acts herein after alleged was acting within the course and  
22 scope of such agency and employment. Glenn is informed and believes, and thereon alleges, that  
23 each of the Defendants, including those designated herein as a DOE, is legally responsible in  
24 some manner for the events and happenings herein referred to, and negligently, wantonly,  
25 recklessly, tortuously and/or unlawfully proximately caused the injuries and damages thereby to  
26 Glenn as herein alleged.

27       11. The material events at issue and injury resulting therefrom were  
28 made/arise/occurred in the County of Fresno, State of California.

1       12. Glenn has complied with and has exhausted all administrative remedies required  
2 by the EEOC and the FEHA and has timely filed this Complaint within the jurisdictional time  
3 limits.

4       13. Within one year of the occurrence of the acts of which this complaint is based,  
5 Glenn timely filed charges of discrimination against Defendants with the DFEH.

6 14. Glenn filed a complaint with the DFEH on or about July 15, 2013. The DFEH  
7 sent plaintiff Right to Sue letter dated July 15, 2013. True and correct copies of the DFEH  
8 Complaint and the June 15, 201, Right to Sue letter are collectively attached hereto as Exhibit  
9 "A" and incorporated herein by reference.

10       15. Glenn has complied with the authorization set forth in the right-to-sue letter by  
11 commencing this action within one year of the date of receipt of the right-to-sue letter pursuant  
12 to California Government Code section 12965.

13        16. Glenn has complied with exhaustion requirements by asserting claims sufficiently  
14 like or related to those set forth in the original DFEH complaint.

15        17. Within one year of the occurrence of the acts of which this complaint is based,  
16 Glenn timely filed charges of discrimination against Defendants with the EEOC.

17       18. Glenn filed a complaint with the EEOC on or about July 22, 2013. A Charge of  
18 Discrimination was filed by the EEOC on July 25, 2013. Accordingly, pursuant to 29 U.S.C.A.  
19 section 626(d)(1) because it has been 60 days since Glenn's Charge of Discrimination was filed  
20 she may proceed with this action. A true and correct copy of the Charge of Discrimination is  
21 attached hereto as Exhibit "B" and incorporated herein by reference.

22        19. Glenn has complied with all procedural and exhaustion requirements by timely  
23 filing and asserting claims sufficiently like or related to those set forth in the original EEOC  
24 complaint.

## **GENERAL ALLEGATIONS**

26        20. At all times alleged herein Glenn was employed by CUSD as an elementary  
27 school teacher and competently performed her job duties.

28 | 21. At all times alleged herein Glenn was over the age of 40.

1       22. Glenn is informed and believes thereon alleges at all times herein mentioned  
2 Cheryl Rogers (“Rogers”) is an individual domiciled in the State of California, County of Fresno,  
3 and employed by CUSD as Associate Superintendent - Human Resources and Employee  
4 Relations. Rogers is or was at all material times acting within the course and scope of her  
5 employment as a direct or indirect agent of CUSD.

6       23. Glenn is informed and believes thereon alleges at all times herein mentioned  
7 Carlo Prandini (“Prandini”) is an individual domiciled in the State of California, County of  
8 Fresno, and employed by CUSD as Associate Superintendent – School Leadership. Prandini is or  
9 was at all material times acting within the course and scope of his employment as a direct or  
10 indirect agent of CUSD.

11       24. Glenn is informed and believes thereon alleges at all times herein mentioned  
12 Barry Jager (“Jager”) is an individual domiciled in the State of California, County of Fresno, and  
13 employed by CUSD as Assistant Superintendent - Clovis. Jager is or was at all material times  
14 acting within the course and scope of his employment as a direct or indirect agent of CUSD.

15       25. In or around 1985 Glenn began working for CUSD as a substitute teacher for  
16 grades K-12.

17       26. In or around 1989 Glenn began working for CUSD as a full time elementary  
18 school teacher.

19       27. In or around 1990 Glenn began working for CUSD as a kindergarten teacher at  
20 Jefferson Elementary.

21       28. In or around 1997 or 1998 Tiftick was transferred to Jefferson Elementary as  
22 Principal and as a result was Glenn’s supervisor.

23       29. Immediately upon Tiftick’s transfer to Jefferson Elementary as Principal, Tiftick  
24 engaged in discriminatory, harassing, threatening, bullying and divisive behavior towards Glenn,  
25 and other staff members, parents and students. Glenn is informed and believes and thereon  
26 alleges in or around 1999 Tiftick made derogatory statements in public about Glenn and two  
27 other female kindergarten teachers, all whom were in their early to mid-50s or older, and called  
28 them “dinosaurs” because of their age. Glenn is also informed and believes and thereon alleges

1 Tiftick has engaged in discriminating, harassing, threatening, bullying and divisive behavior  
2 towards male and female teachers over the age of 40, so much so that some of said teachers  
3 retired and/or transferred out of Jefferson Elementary to get away from him.

4       30. Glenn is informed and believes and thereon alleges Tiftick treats employees under  
5 the age of 40 with favoritism and subjects teachers over the age of 40 to discriminating,  
6 harassing, threatening, bullying, unwarranted discipline and divisive behavior. Glenn is informed  
7 and believes and thereon alleges that when the teachers, whom he subjects to his illegal behavior,  
8 speak out against Tiftick's illegal conduct and/or speak out against a favorite of Tiftick, Tiftick  
9 engages in retaliatory, threatening, bullying and divisive conduct against said individuals. Glenn is  
10 informed and believes and thereon alleges Tiftick has referred to other female heterosexual  
11 teachers over the age of 40 as "man hating lesbians" and made other derogatory comments  
12 insinuating said employees are lesbians in an attempt to demean, humiliate and bully them in  
13 retaliation for speaking out against his illegal conduct and/or his favorites' illegal and divisive  
14 conduct.

15       31. Glenn is informed and believes and thereon alleges that at all times herein  
16 mentioned Tiftick would encourage coworker hostility towards Glenn and solicited negative  
17 comments about Glenn from under 40 or substantially younger coworkers and would reward said  
18 similarly situated employees who did his malicious bidding by treating them with favoritism  
19 which included, but was not limited to, favorable job assignments and transfers among other  
20 things.

21       32. Glenn is informed and believes and thereon alleges that at all times herein  
22 mentioned Tiftick would enlist his favorite staff members, whom were under 40 and/or  
23 substantially younger than Glenn, and ask them to document Glenn's activities, such as when she  
24 arrived to work and left work, when she took her lunch breaks and how she conducted herself at  
25 team meetings.

26       33. Glenn is informed and believes and thereon alleges that in or around August 2002  
27 Tiftick placed a new and substantially younger kindergarten teacher in Glenn's classroom  
28 although this new teacher was not to team teach with Glenn. Glenn is informed and believes and

1 thereon alleges that Tiftick told said teacher no one liked Glenn and that he wanted Glenn out of  
2 Jefferson. Glenn is informed and believes and thereon alleges Tiftick told this teacher he wanted  
3 her to report back to him on Glenn's activities and specifically that he was placing her in Glenn's  
4 classroom as a mole so that she could get dirt on Glenn so that Tiftick could take said dirt to  
5 Rogers. Glenn is informed and believes and thereon alleges Tiftick told said teacher he was  
6 going to wait to take the dirt he gathered on Glenn to Rogers until a time when Rogers got  
7 "snockedered" and convince Rogers to get rid of Glenn. Glenn is informed and believes and  
8 thereon alleges Tiftick approached this teacher throughout the 2002-2003 school year and  
9 attempted to solicit negative comments about Glenn.

10       34.     In or around April 2004, Tiftick approached Glenn and informed her had decided  
11 he wanted to make changes and therefore transferred Glenn to first grade the following school  
12 year and replaced her with a teacher who was under 40 or substantially younger and one of his  
13 favorites. Tiftick informed Glenn this teacher wanted out of first grade and wanted to try out  
14 kindergarten. At this time Glenn had been teaching kindergarten at Jefferson for 12 years. Glenn  
15 is informed and believes and thereon alleges the substantially younger woman Tiftick replaced  
16 Glenn with did not have experience teaching kindergarten.

17       35.     Glenn taught first grade for school years 2004-2005, 2005-2006, 2006-2007,  
18 2007-2008, and 2008-2009. During this time Tiftick continued with his harassment,  
19 discrimination, threats, bullying and derogatory statements towards Glenn. During this time  
20 Tiftick also continually delegated or allowed for the delegation of unreasonably burdensome  
21 assignments and workloads in an inequitable and unjust manner to Glenn which affected her  
22 health and her ability to perform her job and the terms of conditions of her employment. During  
23 this time if Glenn objected to, or voiced her concern about said treatment, Tiftick would become  
24 argumentative and accused Ms. Glenn of "not being a team player" and told her repeatedly that  
25 "no one likes to work with her." During this time period at Glenn's year-end evaluations Tiftick  
26 would give her mediocre written evaluations but his oral evaluation of her were dismal, negative  
27 and unwarranted and included personal attacks and statements that her "coworkers and her  
28 students' parents did not like her", among other things. Tiftick's intentional, malicious and

1 demeaning comments, bullying and harassing behavior adversely and unreasonably affected  
2 Glenn's psychological well-being and ability to do her job.

3       36. Glenn is informed and believes and thereon alleges that in or around April 2008,  
4 facing an extreme budget crisis, Clovis Unified School Board voted to extend an early retirement  
5 incentive, commonly known as the "Golden Handshake", to its qualified employees in an effort  
6 to save the District millions of dollars in employees' salaries.

7       37. Glenn started out teaching first grade in the Fall of 2009, as she had for the past  
8 five years since Tiftick had first unilaterally transferred her from kindergarten in the Spring of  
9 2004 and replaced her with a substantially younger and less experienced female teacher.  
10 However, on the Monday morning of the sixth week of school of the 2009-2010 school year  
11 Tiftick unilaterally decided to reassign and transfer Glenn back to kindergarten against her  
12 wishes, even though Glenn was the most tenured, or at least the second most tenured, teacher of  
13 all of the first grade teachers and was also the oldest. Tiftick called Glenn into his office that  
14 morning and informed her he was moving her back to kindergarten and told her she had her first  
15 grade class until that Wednesday and that she had to be prepared to start teaching kindergarten  
16 on Friday.

17       38. Glenn objected to the reassignment due to the fact that switching grades is a  
18 daunting task even if a teacher has a whole summer to prepare for it, but switching to a different  
19 grade level with two days' notice was unreasonable, burdensome and was extremely stressful  
20 and affected her ability to perform her job and the terms of conditions of her employment. Glenn  
21 requested that Tiftick not to transfer her back to kindergarten as the school year was already  
22 underway and Glenn had been teaching first grade for the past five years and, as a result, no  
23 longer had lesson plans or a prepared curriculum for kindergarten. Glenn furthermore told  
24 Tiftick that two days was hardly enough time to prepare the same. Tiftick replied that Glenn "did  
25 not have a choice in the matter."

26       39. To placate Glenn after mandating that she move grades during the school year,  
27 Tiftick represented to Glenn that Monday morning that she would be team teaching with another  
28 kindergarten teacher. Team teaching under the circumstances would have greatly eased the

1 transition for Glenn. However, a couple of days later during Glenn's transition to kindergarten,  
2 Tiftick informed Glenn that she would not be team teaching with said teacher because the  
3 "kindergarten team leader" wanted to team teach and because she was the "team leader, she gets  
4 what she wants." The kindergarten team leader was the substantially younger teacher Tiftick had  
5 replaced Glenn with in 2004.

6       40. Glenn is informed and believes and thereon alleges that Tiftick had approached  
7 another teacher who was 39, prior to informing Glenn that she would be moving to kindergarten,  
8 and asked this substantially younger teacher if she would mind moving down to kindergartner,  
9 and given the choice, that teacher declined. As a result, Tiftick forced Glenn to switch grade  
10 levels instead of the other teacher.

11       41. Glenn is informed and believes and thereon alleges that in or around November  
12 2009, facing a budget gap of approximately \$16 million dollars, Clovis Unified School Board  
13 voted again to extend the "Golden Handshake". Glenn is informed and believes and thereon  
14 alleges that at that time approximately 1,100 of the District's 5,000 employees, including Glenn,  
15 were qualified to take the incentive. On or about November 19, 2009, Steve Ward, whom was  
16 the District's Chief Business Official at the time, was quoted in the Fresno Bee as stating the  
17 District's "goal is to have no layoffs and reduce expenses" and that "a good number" of  
18 employees had already participated in the program and further stated, "[c]ould we have used  
19 some more? Sure." Glenn is informed and believes and thereon alleges that in February 2010, the  
20 District increased its estimated budget deficit to \$28 million dollars.

21       42. Throughout the 2009-2010 school year Tiftick's bullying, discriminating and  
22 harassing behavior and inequitable and unfair treatment of Glenn continued unabated. As in the  
23 past, if Glenn objected to, or voiced her concern about said treatment, Tiftick would become  
24 argumentative and accuse Glenn of "not being a team player" and told her repeatedly that "no  
25 one likes to work with her." Tiftick also continued to encourage other employees under his  
26 control to speak out against her and undermine her.

27       43. Glenn is informed and believes and thereon alleges that in the early Spring of  
28 2010, on several occasions Tiftick approached a particular teacher, who was known to be friends

1 with Glenn and whom was accepting the Golden Handshake herself that year, and asked said  
2 teacher if Glenn was going to be retiring that year too. Glenn is informed and believes and  
3 thereon alleges that said teacher informed Tiftick she did not believe Glenn intended to retire that  
4 year.

5       44.     Thereafter, on or about April 27, 2010, Tiftick called Glenn into his office for her  
6 year-end evaluation. Tiftick's written evaluation was mediocre, however, his oral evaluation of  
7 Glenn was dismal. During the evaluation Tiftick proceeded to tell Glenn that he had as many as 6  
8 or 7 parents complaining to him about her. He then brought out a one page typed letter that he  
9 said he had pulled out of the SART surveys so "Cheryl Rogers would not see the letter." Tiftick  
10 then proceeded to read the letter which allegedly complained that Glenn was teaching the  
11 children a song "about baby Jesus" – Glenn reminded Tiftick this song was being taught to the  
12 children because they were to sing it for the Christmas program along with the other classes.

13       45.     During this evaluation Tiftick also stated, among other things, the letter  
14 complained that Glenn was having the children sing "God Bless America" after the flag salute.  
15 Based on these complaints he accused Glenn of "proselytizing." Notwithstanding the fact that  
16 SART surveys are supposed to be anonymous and that it is improper to critique a teacher off of  
17 the same, Tiftick then proceeded to state that "if she was thinking about retiring that it was better  
18 to go out on top then on the bottom." When Glenn asked what he meant by that, Tiftick stated he  
19 was going to take down the SART survey letter to the District and "dig through all of this with  
20 Cheryl Rogers." Tiftick then stated Glenn "did not have to go through all of this and that it  
21 would be better to leave on top." Tiftick then stated that he knew "of two female teachers at  
22 Clark who waited too long to retire and as a result had experienced difficulties." Glenn had no  
23 intentions of retiring and told Tiftick that she was not going to retire. Tiftick continued with his  
24 harassment, discrimination, threats, and bullying of Glenn throughout the remaining weeks of  
25 school.

26       46.     In response to Tiftick's blatant illegal conduct Glenn sought advice from legal  
27 counsel. On or about June 29, 2010, Glenn's counsel sent a cease and desist letter to Clovis  
28 Unified School District and demanded that Tiftick's discriminatory, harassing and retaliatory

1 behavior be ceased immediately.

2 47. On or about August 16, 2010, Glenn and her counsel met with Rogers regarding  
3 her complaints about Tiftick's illegal conduct. Glenn relayed to Rogers Tiftick's illegal conduct.  
4 When the meeting ended, as Glenn was being escorted by Rogers from the District Office Rogers  
5 asked Glenn if she had thought about retiring or how many more years she wanted to teach. To  
6 which Glenn responded, "No."

7       48. On or about August 24, 2010, Rogers sent Glenn's counsel a letter with the  
8 findings of her investigation into Glenn's complaints of Tiftick's illegal behavior. Rather than  
9 outlining the measures the District intended to take to ensure Glenn would not be subjected to  
10 any further harassing, discriminatory or retaliatory conduct by Tiftick, Rogers generally denied,  
11 twisted or attempted to excuse Tiftick's illegal conduct but specifically stated the following:

12            "In reference to retirement, Mr. Tiftick did tell Mrs. Glenn, to go out when  
13            she wanted but to 'go out on top and not retire too late.' He also shared his  
                  knowledge of two retired teachers from Clark, indicating that he felt they waited  
                  too long and later experienced difficulties as a result."

15        49. California and federal laws prohibit discrimination, harassment and retaliation.  
16 Further, it is an unlawful employment practice in California, and under federal law, for an  
17 employer to fail to take all reasonable steps necessary to prevent discrimination, harassment and  
18 retaliation. In light of the District and Tiftick's acknowledgment that he made the discriminating  
19 statement to Glenn that she should want to "go out on top and not retire too late," the District  
20 should have committed to and provided an unequivocal statement to Glenn that any  
21 discrimination or treatment different from other teachers based on her age is totally unacceptable  
22 and prohibited and that she would not be subjected to any further discriminatory, harassing or  
23 retaliatory conduct. Instead, Rogers' message was that Clovis Unified School District would  
24 defend Tiftick no matter how overt he was in his discrimination and harassment.

25       50.    Thereafter, Glenn taught kindergarten for school years 2010-2011, 2011-2012,  
26 and 2012-2013. Glenn is informed and believes and thereon alleges that during this time Tiftick  
27 continued to encourage coworker hostility towards Glenn and solicited negative comments by  
28 coworkers about Glenn. During this time Tiftick continually delegated or allowed for the

1 delegation of unreasonably burdensome assignments and workloads in an inequitable and unjust  
2 manner to Glenn. Glenn was also denied and/or berated for asking for school supplies and  
3 equipment for her kindergarten class, that the two other permanent kindergarten teachers, whom  
4 were under 40 and/or substantially younger than Glenn, were given. Tiftick also denied Glenn's  
5 requests to transfer from the portable classroom she was in to a more appropriate and safe  
6 permanent classroom with a sink in a lower grade wing as the other two permanent kindergarten  
7 teachers had. Wanting to merely perform her services as a teacher, a job she loved, in a non-  
8 discriminatory workplace, free from harassment and retaliation, Glenn simply got to the point  
9 where she stopped requesting anything.

10       51.     In school year 2012-2013, as had happened every so often in the past 20 years  
11 since Glenn began teaching at Jefferson, due to an increase in enrollment numbers a fourth  
12 kindergarten was added. Accordingly, except for the occasional year where enrollment  
13 demanded an additional fourth kindergarten class, there were three permanent kindergarten  
14 positions/classrooms at Jefferson Elementary. In the years past when there was a need for a  
15 fourth kindergarten class, it was common knowledge among the school staff that the fourth  
16 kindergarten position was temporary, as it was only needed in the unusual circumstances of  
17 increased enrollment. In years past it was Tiftick and the District's policy and/or procedure that  
18 when the fourth kindergarten class/position was no longer needed because those students had  
19 transitioned into first grade, the fourth kindergarten teacher would be either transferred to a  
20 different grade level at Jefferson if there was an opening, or the teacher would be transferred to a  
21 different school. Glenn is informed and believes that the teacher Tiftick brought on for the fourth  
22 kindergarten class for the 2012-2013 school year, is in her late 20s to early 30s, and may not  
23 have even be a fully credentialed teacher at the time she was hired by Tiftick.

24       52.     On April 2, 2013, Glenn executed the District's "Employment Acceptance Form"  
25 which advised Tiftick and the District that she intended to return to work for the 2013-2014  
26 school year.

27       53.     On April 3, 2013, the day after he received her intent to return, Tiftick called  
28 Glenn into office and notified her that he was eliminating the fourth kindergarten class and as a

1 result Glenn would need to transfer to either first or fifth grade the next school year and that she  
2 did not have a choice in the matter. Glenn inquired why she was the kindergarten teacher that  
3 had to be transferred to a different grade, yet again, when there were three other kindergarten  
4 teachers in addition to herself that could also transfer grades. The three other kindergarten  
5 teachers are all either under 40 or substantially younger than Glenn. Glenn also pointed out the  
6 fact it had always been Tiftick and the District's policy and/or procedure that when the fourth  
7 kindergarten was no longer needed, and thus eliminated, the fourth kindergarten teacher would  
8 be either transferred to a different grade level at Jefferson if there was an opening, or the teacher  
9 would be transferred to a different school.

10 54. Tiftick replied to Glenn that there were disabled children entering into  
11 kindergarten the next year and Glenn did not have any experience mainstreaming disabled  
12 children. Glenn replied that his statement was not accurate and specifically told him about the  
13 successful mainstreaming she had done in the past several years. Indeed, Glenn probably has  
14 more mainstreaming experience than the other three kindergartner teachers do combined.  
15 Further, Glenn is informed and believes that the teacher brought on for the fourth kindergarten  
16 class for that school year (2012-2013), who is in her late 20s to early 30s, that Tiftick replaced  
17 Glenn with, does not or did not have any experience mainstreaming disabled children.

18 55. Tiftick's next attempted justification for his latest adverse employment action  
19 against Glenn was based on the discriminatory stereo-type that because of her age learning and  
20 using technology was not Glenn's "forte". Tiftick stated the disabled children were going to be  
21 using technology and that technology "was not [Glenn's] forte". Glenn disagreed with this  
22 discriminatory assessment of her ability to use and learn new technology to accommodate  
23 disabled children's needs and communicated the same to Tiftick. She also explained that she  
24 used any technology the District made available to her on a daily basis. Indeed, if a disabled 4 or  
25 5 year old could learn to use the computer program or tablet computer or whatever technology  
26 Tiftick was referring to, Glenn clearly could too.

27 56. Tiftick's next attempted justification for his latest adverse employment action  
28 against Glenn was that the special education teacher at Jefferson Elementary did not want her

1 students in Glenn's classroom. Glenn replied even if that was in fact the case those students  
2 could be placed in the other two kindergarten classrooms. Further, Glenn is informed and  
3 believes and thereon alleges it has never been, and should not be, Tiftick or the District's policy  
4 and/or procedure to let a teacher's alleged opinion of another dictate teacher reassignment and  
5 student placement.

6 57. Tiftick then reverted back to the discriminatory stereo-type that because of her  
7 age learning and using technology was not Glenn's "forte". Tiftick re-stated that "technology  
8 was not [Glenn's] forte" that it was the forte of the fourth kindergartner teacher and, as a result,  
9 Glenn would need to transfer to either first or fifth grade the next school year and that she did not  
10 have a choice in the matter. He also stated Glenn had until Monday to get back to him with an  
11 answer as to whether she was going to move to first or fifth grade.

12 58. On April 5, 2013, counsel for Glenn sent Clovis Unified School District another  
13 cease and desist letter alerting it to Tiftick's most recent illegal conduct and objected to this most  
14 recent adverse employment action taken against Glenn because of her age.

15 59. On April 9, 2013, Tiftick disseminated an email to the staff at Jefferson,  
16 informing them that Glenn was being transferred from kindergarten to first grade.

17 60. On April 11, 2013, counsel for the District responded to counsel for Glenn and  
18 informed the same that Superintendent, Barry Jager, would be investigating this matter.

19 61. On April 26, 2013, Glenn and her counsel met with Jager. During this meeting  
20 Glenn relayed to Jager the information regarding Tiftick's discriminating, harassing, threatening,  
21 bullying and divisive behavior set forth above in addition to other instances of illegal conduct  
22 implemented by Tiftick on Glenn and other teachers.

23 62. During this meeting Jager took copious notes throughout the interview.

24 63. During this meeting, with the permission of said individuals, Glenn gave Jager the  
25 names of 6 third party witnesses all of whom were either current or retired teachers that had  
26 taught under Tiftick and experienced and/or witnessed Tiftick's illegal and abusive conduct.  
27 Additionally, Glenn spoke with many other individuals who she knew had experienced or  
28 witnessed Tiftick's illegal and abusive conduct and requested that they participate in the

1 District's internal investigation. However, the majority of said individuals would not voluntarily  
2 come forward and stated they feared retaliation from the District for speaking out against  
3 Tiftick's illegal behavior and stated their testimony would be futile as the District would  
4 continue to protect Tiftick as it has done in the past. Glenn relayed the same to Jager.

5       64.    Jager represented to Glenn that he would contact and interview said individuals  
6 who were willing to voluntarily come forward.

7       65.    Glenn is informed and believes and thereon alleges that Jager contacted and  
8 interviewed all 6 individuals/witnesses. Glenn is informed and believes Jager represented to said  
9 individuals that their participation in the investigation regarding Tifticks' illegal conduct would  
10 be kept confidential to the fullest extent possible. Glenn is informed and believes Jager told said  
11 individuals he was taking notes during their interviews.

12       66.    Glenn is informed and believes and thereon alleges that all 6  
13 individuals/witnesses interviewed by Jager relayed to Jager either their experiences of being the  
14 object of, or witnesses to, Tiftick's discriminating, harassing, threatening, retaliatory, bullying and  
15 divisive behavior.

16       67.    On or about June 13, 2013, Jager, on behalf of the District, sent Glenn's counsel a  
17 letter wherein he set forth a summary of his findings from his investigation into Glenn's  
18 complaints of Tiftick's illegal conduct. Although Jager admitted the fact that Tiftick used the  
19 discriminatory stereo-type and told Glenn that "using technology was not [Glenn's] forte", Jager  
20 stated in his assessment letter that his investigation did not reveal any facts to support the claim  
21 that Tiftick's adverse employment action against Glenn was because of Glenn's age. Jager, on  
22 behalf of the District, approved of and moved forward with the adverse employment action  
23 against Glenn.

24       68.    Further, Jager declared in his June 13, 2013, assessment letter that his  
25 investigation did not support the contention that Tiftick engages in "divisive and bullying  
26 behavior." Jager stated that the 6 individuals/witnesses whom participated in the District's  
27 internal investigation merely had "personal issues" with Tiftick. Accordingly, Clovis Unified  
28 School District intentionally disregarded and minimized the facts and testimony of Glenn and

1 other third party witnesses who testified to Tiftick's illegal conduct in its internal investigation.

2 69. On or about June 18, 2013, Glenn's counsel appealed Jager's June 13, 2013,  
3 assessment of her complaints of Tiftick's illegal conduct to Dr. Carlo Prandini.

4 70. On or about July 11, 2013, Glenn and her counsel met with Prandini. During this  
5 meeting Glenn relayed to Prandini the information regarding Tiftick's discriminating, harassing,  
6 threatening, retaliatory, bullying and divisive behavior set forth above in addition to other instances  
7 of illegal conduct implemented by Tiftick on Glenn and other teachers.

8 71. Glenn also relayed to Prandini her absolute shock and distress at Jager's June 13,  
9 2013, assessment letter as it intentionally disregarded and minimized the facts and testimony of  
10 Glenn and other third party witnesses who testified to Tiftick's illegal behavior in the District's  
11 internal investigation. Glenn relayed to Prandini that Jager's June 13, 2013, assessment letter was  
12 a conclusory and one-sided written assessment of the situation and was without factual support  
13 as it failed to give credence to any of Glenn and the other third party witnesses' claims  
14 concerning Tiftick's illegal conduct.

15 72. In addition to speaking with her, Glenn requested that Prandini fully review  
16 Jager's entire investigative file, including reviewing all of Jager's interview notes and that  
17 Prandini re-interview the 6 third party witness that came forward and testified to Jager about  
18 their experiences of being the object of, or witnesses to, Mr. Tiftick's discriminating, harassing,  
19 threatening, bullying and divisive behavior. Prandini represented to Glenn that he would do so prior  
20 to coming to a conclusion on the appeal on behalf of the District.

21 73. On or about July 24, 2013, Prandini sent to Glenn's counsel his conclusions from  
22 his alleged investigation into Glenn's complaints of Tiftick's illegal conduct. Prandini stated he  
23 did not find sufficient evidence to substantiate the allegation that Tiftick engaged in a pattern of  
24 harassment, lack of support, or had taken discriminatory action against Glenn or other  
25 employees. Prandini stated he did not find sufficient cause to terminate Tiftick or remove him  
26 from Jefferson Elementary campus. Prandini stated he did not find sufficient evidence to  
27 substantiate the allegation that Tiftick's adverse employment action against Glenn was based on  
28 Tiftick's desire that she retire based on age.

1       74. Prandini further stated that he did not re-interview any witnesses because Glenn  
2 had filed a complaint with the DFEH. Accordingly, in retaliation for Glenn engaging in her right,  
3 that is a protected activity, to seek redress from other governmental agencies in addition to the  
4 District, Prandini and the District declined to engage in the investigative interviews, and thus an  
5 adequate and thorough investigation of the charges. Further, Prandini, on behalf of the District,  
6 approved of and endorsed the adverse employment action against Glenn.

7       75. Accordingly, in addition to Tiftick's illegal conduct, Clovis Unified School  
8 District also engaged in the discrimination and retaliatory conduct by failing to take all  
9 reasonable steps necessary to prevent the discrimination, harassment and/or retaliation from  
10 occurring. Instead of taking Glenn's repeated reports of Tiftick's illegal conduct seriously and  
11 engaging in a good faith, thorough and objectively reasonable and adequate investigation and  
12 assessment of the charges, and taking immediate corrective action as required under California  
13 and federal law, Clovis Unified School District engaged in institutional discrimination and  
14 retaliation by engaging in an institutional cover-up of it and Tiftick's illegal conduct.

15       76. In its internal investigation, Clovis Unified School District intentionally  
16 disregarded and minimized the facts and testimony of Glenn and other third party witnesses who  
17 testified to Tiftick's illegal conduct in its internal investigation. Clovis Unified School District's  
18 actions, and lack thereof, essentially rendered Glenn's rights to complain and seek redress of  
19 Tiftick's illegal conduct illusory and were done so with the intent of retaliating, silencing,  
20 humiliating and discrediting Glenn and to serve as a warning to others similarly situated against  
21 challenges or complaints of illegal conduct to Clovis Unified School District.

22       77. Faced with the knowledge that Clovis Unified School District intentionally  
23 engaged in an institutional cover up in retaliation for her complaints of Tiftick's illegal conduct  
24 and knowing that the District's cover up and protection of Tiftick would embolden Tiftick to  
25 further engage in his discriminating, harassing, threatening, bullying and divisive behavior and that  
26 the District would clearly allow and tolerate said illegal conduct, Glenn became increasingly  
27 distraught, anxious, and depressed at the thought of having to return to work under the  
28 supervision and control of the harasser, Tiftick, and face resumed harassment, discrimination and

1 retaliation by Tiftick and Clovis Unified School District.

2       78.     The distress and anxiety Glenn experienced as a result of Tiftick and the District's  
3 illegal and malicious actions became so extreme that it manifested itself physically and affected  
4 her psychological wellbeing and overall health. As a result, Glenn's primary medical physician  
5 recommended she take a medical leave of absence for a period of three (3) months. Accordingly,  
6 on or about August 13, 2013, Glenn took a leave of absence.

7       79.     Thereafter, on or about August 15, 2013, Glenn arrived at Jefferson Elementary to  
8 remove some personal property from her classroom to make room for the long term substitute  
9 and was informed by the school's GIS that Tiftick had permitted the very teachers whom do his  
10 malicious bidding to go through her desk and empty it out and open and go through all of  
11 Glenn's storage boxes "to look for school property." Glenn was completely shocked at this news.  
12 When Glenn arrived to her classroom, escorted like she was a criminal as opposed to a current  
13 employee with over 24 years of service to the District, Glenn saw that every single box she had  
14 packed up at the end of the previous school year had been cut open and searched. Further,  
15 Glenn's desk had been completely emptied out, most of its contents dumped in a box and some  
16 in the trash. These harassing and/or retaliatory actions caused further humiliation and emotion  
17 distress to Glenn. Said teachers even took some of Glenn's personal property from the room  
18 under the guise that they believed said items were school property.

19       80.     Defendants' despicable and outrageous conduct as described herein was  
20 intentional, malicious, and oppressive and done with conscious disregard of Glenn's rights.  
21 Defendants knew or should have known that their conduct would cause Glenn to suffer severe  
22 emotional distress, and did cause Glenn to suffer severe emotional distress.

23       81.     As a direct and proximate result of Defendants' malicious and intentional  
24 conduct, as set forth more fully above, Glenn's emotional and physical wellbeing has suffered  
25 and will continue to suffer. Glenn has experienced and continues to experience severe emotional  
26 distress because of Defendants' actions. Glenn alleges that the Defendants' conduct was  
27 designed to humiliate and oppress her, and to cause her injury, and this conduct did humiliate,  
28 oppress, and cause her injury. Glenn is therefore entitled to an award of damages against all

1 | Defendants' for said illegal conduct.

2       82. Glenn is also informed and believes and thereon alleges CUSD intentionally  
3 disseminated the names of the 6 third party witnesses who testified to Tiftick's illegal conduct in  
4 its internal investigation to the public in retaliation for their participation in complaining of  
5 Tiftick's illegal conduct.

6        83.      Glenn is informed and believes and thereon alleges CUSD directs and encourages  
7 its administrators, such as Tiftick, to engage in discrimination and harassment and implement  
8 adverse employment actions – such as continually delegating or allowing for the delegation of  
9 unreasonably burdensome assignments and workloads in an inequitable and unjust manner and  
10 unfavorable and undesirable transfers, and unwarranted discipline, among other things - against  
11 its older, over 40, employees because of their age with the intent that such discrimination,  
12 harassment and adverse employment actions will make said employees retire.

13 84. Glenn is further informed and believes and thereon alleges that in September  
14 2006 the EEOC issued a letter of determination, after examining all the evidence gathered by its  
15 investigation into a charge filed by another teacher, over the age of 40, for age discrimination  
16 and retaliation against CUSD, and determined that the evidence was sufficient to establish CUSD  
17 discriminated against this employee because of their age and retaliated against said employee  
18 because they complained of the illegal conduct.

## **CLAIMS FOR RELIEF**

## **FIRST CAUSE OF ACTION**

## **Age Discrimination - in Violation of FEHA,**

## **California Government Code section 12940(a) et seq.**

23 Glenn alleges against defendants CUSD and DOES 1 through 100, inclusive, as follows:

24 85. Glenn incorporates the allegations of paragraphs 1 through 84 by reference as if  
25 set forth fully herein.

26        86.      Glenn is informed and believes that CUSD acted in violation of FEHA within the  
27 meaning of California Government Code section 12940(a) et seq. which prohibits discrimination  
28 on the basis of age by and through its actions as set forth more fully above in paragraphs 1-84.

1 The protection afforded by FEHA includes relief from retaliatory, discriminatory and harassing  
2 employment practices of public employers.

3       87. Defendants were at all material times employers within the meaning of California  
4 Government Code section 12926.2 and 12940 (j)(4)(a) and as such are barred from  
5 discriminating, harassing and retaliating with regard to employment decisions as set forth in  
6 California Government Code section 12940 et seq. Glenn was at all material times an employee  
7 within the meaning of California Government Code section 12940, which prohibits  
8 discrimination, harassment, and/or retaliation in employment.

9       88. Glenn was at all material times alleged herein a member of a protected class (over  
10 the age of 40); she was performing competently in her position as a kindergarten teacher and she  
11 suffered discrimination and/or adverse employment actions because of her age (65); Defendants'  
12 actions were motivated by discriminatory motives.

13       89. Prior to and since April 2013, Defendants have engaged in unlawful employment  
14 practices and policies in violation of FEHA, by subjecting Glenn to discrimination because of  
15 her age, as set forth more fully above in paragraphs 1-84. Said discrimination affected her health  
16 and her ability to perform her job and the terms of conditions of her employment.

17       90. The unlawful employment practices complained of above were intentional.

18       91. The unlawful employment practices complained of above were done with malice  
19 and/or with reckless indifference to the protected rights of Glenn.

20       92. Glenn has suffered and continues to suffer substantial losses incurred in earnings  
21 and other employment benefits she would have received but for Defendants' discrimination,  
22 harassment, retaliation.

23       93. Glenn has suffered and continues to suffer embarrassment, anxiety, humiliation,  
24 intimidation, and emotional distress to her damage, as a proximate cause of Defendants' conduct.

25       94. Defendants committed the unlawful unemployment practices complained of  
26 above maliciously, fraudulently, and oppressively in bad faith with the wrongful intent to injure  
27 Glenn in conscious disregard of her rights. Glenn is entitled to recover damages from Defendants  
28 in an amount according to proof.

**WHEREFORE**, Glenn prays for relief as is set forth below:

## **SECOND CAUSE OF ACTION**

## **Age Discrimination and Harassment - in Violation of ADEA,**

**29 U.S.C.A. section 623**

Glenn alleges against defendants CUSD and DOES 1 through 100, inclusive, as follows:

95. Glenn incorporates the allegations of paragraphs 1 through 84 by reference as if set forth fully herein.

8       96.     Glenn is informed and believes that CUSD acted in violation of the ADEA within  
9 the meaning of 29 U.S.C.A. section 623 et seq., which prohibits retaliation, discrimination and  
10 harassment on the basis of age by and through its actions as set forth more fully above. The  
11 protection afforded by the ADEA includes relief from retaliatory, discriminatory and harassing  
12 employment practices of public employers.

13       97. Defendants were at all material times employers within the meaning of 29 U.S.C.  
14 section 630(b), and as such are barred from discriminating, harassing and or retaliating with  
15 regard to employment decisions as set forth in 29 U.S.C.A. section 623 et seq. Glenn was at all  
16 material times an employee within the meaning of 29 U.S.C. section 630(f), which prohibits  
17 discrimination, harassment, and/or retaliation in employment.

18       98.    Glenn was at all material times alleged herein a member of a protected class (over  
19 the age of 40); she was performing competently in her position as a kindergarten teacher and she  
20 suffered harassment, discrimination and adverse employment actions because of her age (65);  
21 Defendants' actions were motivated by discriminatory motives.

22       99. Prior to and since April 2013, Defendants have engaged in unlawful employment  
23 practices and policies in violation of the ADEA, by subjecting Glenn to discrimination and  
24 harassment because of her age, as set forth more fully above in paragraphs 1-84. Said  
25 discrimination and harassment affected her health and her ability to perform her job and the  
26 terms of conditions of her employment.

27 100. The unlawful employment practices complained of above were intentional

101. The unlawful employment practices complained of above were done with malice.

1 and/or with reckless indifference to the protected rights of Glenn.

2 102. Glenn has suffered and continues to suffer substantial losses incurred in earnings  
3 and other employment benefits she would have received but for Defendants' discrimination,  
4 harassment, retaliation.

5 103. Glenn has suffered and continues to suffer embarrassment, anxiety, humiliation,  
6 intimidation, and emotional distress to her damage, as a proximate cause of Defendants' conduct.

7 104. Defendants committed the unlawful unemployment practices complained of  
8 above maliciously, fraudulently, and oppressively in bad faith with the wrongful intent to injure  
9 Glenn in conscious disregard of her rights. Glenn is entitled to recover damages from Defendants  
10 in an amount according to proof.

11 WHEREFORE, Glenn prays for relief as is set forth below:

12 **THIRD CAUSE OF ACTION**

13 **Harassment - in Violation of FEHA,**

14 **California Government Code section 12940(j)**

15 Glenn alleges against defendants Geoffrey Tiftick and DOES 1 through 100, inclusive, as  
16 follows:

17 105. Glenn incorporates the allegations of paragraphs 1 through 84 by reference as if  
18 set forth fully herein.

19 106. Glenn is informed and believes that Tiftick acted in violation of FEHA within the  
20 meaning of California Government Code section 12940(j) et seq. which prohibits harassment on  
21 the basis of age by and through his actions as set forth more fully above in paragraphs 1-84. The  
22 protection afforded by FEHA includes relief from retaliatory, discriminatory and harassing  
23 employment practices of public employers.

24 107. Tiftick was at all material times employed by Defendant CUSD and Glenn's  
25 supervisor and as such is barred from discriminating, harassing or retaliating with regard to  
26 employment decisions as set forth in California Government Code section 12940 et seq. CUSD  
27 was at all material times an employer within the meaning of California Government Code  
sections 12926.2 and 12940(4)(a), and as such is barred from discriminating, harassing or

1 retaliating with regard to employment decisions as set forth in California Government Code  
2 section 12940 et seq. Glenn was at all material times an employee within the meaning of  
3 California Government Code section 12940, which prohibits discrimination, harassment, and/or  
4 retaliation in employment.

5       108. Glenn was at all material times alleged herein a member of a protected class (over  
6 the age of 40); she was performing competently in her position as a kindergarten teacher and was  
7 harassed by Tiftick because of her age (65); Defendants' actions were motivated by  
8 discriminatory motives.

9       109. Prior to and since April 2013, Tiftick has engaged in unlawful employment  
10 practices and policies in violation of FEHA, by subjecting Glenn to pervasive and/or severe  
11 harassment because of her age, as set forth more fully above in paragraphs 1-84. Tiftick has been  
12 harassing and threatening Glenn to such an extent for such a long period of time, her work  
13 environment became hostile and/or abusive to the degree that it rises to the level of a  
14 constructive termination if she were to resign. Said harassment affected her health and her ability  
15 to perform her job and the terms of conditions of her employment. Tiftick's harassment consists  
16 of conduct outside the scope of necessary job performance, conduct engaged in for personal  
17 gratification, because of meanness and/or bigotry.

18       110. The unlawful employment practices complained of above were intentional.

19       111. The unlawful employment practices complained of above were done with malice  
20 and/or with reckless indifference to the protected rights of Glenn.

21       112. Glenn has suffered and continues to suffer substantial losses incurred in earnings  
22 and other employment benefits she would have received but for Defendants' discrimination,  
23 harassment, retaliation.

24       113. Glenn has suffered and continues to suffer embarrassment, anxiety, humiliation,  
25 intimidation, and emotional distress to her damage, as a proximate cause of Defendants' conduct.

26       114. Defendants committed the unlawful unemployment practices complained of  
27 above maliciously, fraudulently, and oppressively in bad faith with the wrongful intent to injure  
28 Glenn in conscious disregard of her rights. Glenn is entitled to recover damages from Defendants

1 in an amount according to proof.

2 WHEREFORE, Glenn prays for relief as is set forth below:

3 **FOURTH CAUSE OF ACTION**

4 **Harassment - in Violation of FEHA,**

5 **California Government Code section 12940(j)**

6 Glenn alleges against defendants CUSD and DOES 1 through 100, inclusive, as follows:

7 115. Glenn incorporates the allegations of paragraphs 1 through 84 by reference as if  
8 set forth fully herein.

9 116. Glenn is informed and believes that CUSD acted in violation of FEHA within the  
10 meaning of California Government Code section 12940(j) et seq. which prohibits harassment on  
11 the basis of age by and through its actions as set forth more fully above in paragraphs 1-84. The  
12 protection afforded by FEHA includes relief from retaliatory, discriminatory and harassing  
13 employment practices of public employers.

14 117. CUSD was at all material times an employer within the meaning of California  
15 Government Code sections 12926.2 and 12940(4)(a), and as such is barred from discriminating,  
16 harassing or retaliating with regard to employment decisions as set forth in California  
17 Government Code section 12940 et seq. Glenn was at all material times an employee within the  
18 meaning of California Government Code section 12940, which prohibits discrimination,  
19 harassment, and/or retaliation in employment. Tiftick was at all material times employed by  
20 Defendant CUSD and Glenn's supervisor.

21 118. Glenn was at all material times alleged herein a member of a protected class (over  
22 the age of 40); she was performing competently in her position as a kindergarten teacher and was  
23 harassed by Tiftick, at the District's direction and encouragement, because of her age (65);  
24 Defendants' actions were motivated by discriminatory motives.

25 119. Prior to and since April 2013, Defendants have engaged in unlawful employment  
26 practices and policies in violation of FEHA, by subjecting Glenn to pervasive and/or severe  
27 harassment because of her age, as set forth more fully above in paragraphs 1-84. At the District's  
28 direction Tiftick has been harassing and threatening Glenn to such an extent for such a long

1 period of time, her work environment became hostile and/or abusive to the degree that it rises to  
2 the level of a constructive termination if she were to resign. Said harassment affected her health  
3 and her ability to perform her job and the terms of conditions of her employment. Defendants'  
4 harassment consists of conduct outside the scope of necessary job performance, conduct engaged  
5 in for personal gratification, because of meanness and/or bigotry.

6 120. The unlawful employment practices complained of above were intentional.

7 121. The unlawful employment practices complained of above were done with malice  
8 and/or with reckless indifference to the protected rights of Glenn.

9 122. Glenn has suffered and continues to suffer substantial losses incurred in earnings  
10 and other employment benefits she would have received but for Defendants' discrimination,  
11 harassment, retaliation.

12 123. Glenn has suffered and continues to suffer embarrassment, anxiety, humiliation,  
13 intimidation, and emotional distress to her damage, as a proximate cause of Defendants' conduct.

14 124. Defendants committed the unlawful unemployment practices complained of  
15 above maliciously, fraudulently, and oppressively in bad faith with the wrongful intent to injure  
16 Glenn in conscious disregard of her rights. Glenn is entitled to recover damages from Defendants  
17 in an amount according to proof.

18 WHEREFORE, Glenn prays for relief as is set forth below:

19 **FIFTH CAUSE OF ACTION**

20 **Failure to Prevent Discrimination, Harassment, and Retaliation - in Violation of**  
21 **FEHA, California Government Code sections 12940 (a), (h), (j) and (k)**

22 Glenn alleges against defendants CUSD and DOES 1 through 100, inclusive, as follows:

23 125. Glenn incorporates the allegations of paragraphs 1 through 84 by reference as if  
24 set forth fully herein.

25 126. Glenn is informed and believes that CUSD acted in violation of FEHA within the  
26 meaning of California Government Code section 12940 et. seq., which prohibits retaliation,  
27 discrimination and harassment on the basis of age by and through its actions as set forth more  
28 fully above in paragraphs 1-84. The protection afforded by FEHA includes relief from

1 retaliatory, discriminatory and harassing employment practices of public employers.

2       127. CUSD was at all material times an employer within the meaning of California  
3 Government Code sections 12926.2 and 129409(j)(4)(a), and as such is barred from  
4 discriminating, harassing or retaliating with regard to employment decisions as set forth in  
5 California Government Code section 12940 et seq. Glenn was at all material times an employee  
6 within the meaning of California Government Code section 12940, which prohibits  
7 discrimination, harassment, and/or retaliation in employment. Tiftick was at all material times  
8 employed by Defendant CUSD and Glenn's supervisor.

9       128. Glenn is informed and believes that CUSD acted in violation of FEHA within the  
10 meaning of California Government Code sections 12940 (a), (h), (j) and (k) by failing to take all  
11 reasonable steps to prevent discrimination, harassment and retaliation against Glenn from  
12 occurring, and to take immediate and appropriate corrective action to remedy the discrimination,  
13 harassment and retaliation by and through its actions as set forth more fully above in paragraphs  
14 1-84.

15       129. Glenn was at all material times alleged herein a member of a protected class (over  
16 the age of 40); she was performing competently in her position as a kindergarten teacher and was  
17 harassed, discriminated and retaliated against by Tiftick and the District because of her age (65)  
18 and because she engaged in protected activities; Defendants' actions were motivated by  
19 discriminatory motives.

20       130. Prior to and since April 2013, Defendants have engaged in unlawful employment  
21 practices and policies in violation of FEHA, by subjecting Glenn to pervasive and/or severe  
22 harassment and discrimination because of her age, as set forth more fully above in paragraphs 1-  
23 84. At the District's direction, and at times on his own volition Tiftick, has been discriminating,  
24 retaliating and harassing and threatening Glenn to such an extent and for such a long period of  
25 time, her work environment became hostile and/or abusive to the degree that it rises to the level  
26 of a constructive termination if she were to resign. Said harassment affected her health and her  
27 ability to perform her job and the terms of conditions of her employment. Defendants'  
28 harassment consists of conduct outside the scope of necessary job performance, conduct engaged

1 in for personal gratification, because of meanness and/or bigotry.

2 131. The unlawful employment practices complained of above were intentional.

3 132. The unlawful employment practices complained of above were done with malice  
4 and/or with reckless indifference to the protected rights of Glenn.

5 133. Glenn has suffered and continues to suffer substantial losses incurred in earnings  
6 and other employment benefits she would have received but for Defendants' discrimination,  
7 harassment, retaliation.

8 134. Glenn has suffered and continues to suffer embarrassment, anxiety, humiliation,  
9 intimidation, and emotional distress to her damage, as a proximate cause of Defendants' conduct.

10 135. Defendants committed the unlawful unemployment practices complained of  
11 above maliciously, fraudulently, and oppressively in bad faith with the wrongful intent to injure  
12 Glenn in conscious disregard of her rights. Glenn is entitled to recover damages from Defendants  
13 in an amount according to proof.

14 WHEREFORE, Glenn prays for relief as is set forth below:

15 **SIXTH CAUSE OF ACTION**

16 **Retaliation - in Violation of FEHA,**

17 **California Government Code section 12940(h)**

18 Glenn alleges against defendants CUSD and DOES 1 through 100, inclusive, as follows:

19 136. Glenn incorporates the allegations of paragraphs 1 through 84 by reference as if  
20 set forth fully herein.

21 137. Glenn is informed and believes that CUSD acted in violation of FEHA within the  
22 meaning of California Government Code section 12940 et seq., which prohibits retaliation,  
23 discrimination and harassment on the basis of age by and through its actions as set forth more  
24 fully above. The protection afforded by FEHA includes relief from discriminatory, harassing and  
25 retaliatory employment practices of public employers.

26 138. Defendants were at all material times employers within the meaning of California  
27 Government Code sections 12926.2 and 12940 (j)(4)(a), and as such are barred from  
discriminating, harassing or retaliating with regard to employment decisions as set forth in

1 California Government Code section 12940 et seq. Glenn was at all material times an employee  
2 within the meaning of California Government Code section 12940, which prohibits  
3 discrimination, harassment, and/or retaliation in employment.

4 139. Glenn was entitled to report wrongdoing which violates rules, laws, and  
5 regulations as outlined under California law including that set forth in FEHA. Glenn had a  
6 guaranteed right not to be discriminated, harassed and/or retaliated against for reporting said  
7 illegal conduct.

8 140. Glenn was at all material times alleged herein a member of a protected class (over  
9 the age of 40); she was performing competently in her position as a kindergarten teacher and she  
10 suffered adverse employment actions, further discrimination, harassment and retaliation after she  
11 engaged in protected activities and reported Defendants' various state and federal law violations  
12 as set forth more fully above in paragraphs 1-84; Defendants' actions were motivated by  
13 discriminatory and retaliatory motives. Defendants' actions and were done so with the intent of  
14 retaliating, silencing, humiliating and discrediting Glenn and to serve as a warning to others  
15 similarly situated against challenges or complaints of illegal conduct to Clovis Unified School  
16 District.

17 141. The unlawful employment practices complained of above were intentional.

18 142. The unlawful employment practices complained of above were done with malice  
19 and/or with reckless indifference to the protected rights of Glenn.

20 143. Glenn has suffered and continues to suffer substantial losses incurred in earnings  
21 and other employment benefits she would have received but for Defendants' discrimination,  
22 harassment, retaliation.

23 144. Glenn has suffered and continues to suffer embarrassment, anxiety, humiliation,  
24 intimidation, and emotional distress to her damage, as a proximate cause of Defendants' conduct.

25 145. Defendants committed the unlawful unemployment practices complained of  
26 above maliciously, fraudulently, and oppressively in bad faith with the wrongful intent to injure  
27 Glenn in conscious disregard of her rights. Glenn is entitled to recover damages from Defendants  
28 in an amount according to proof.

1 WHEREFORE, Glenn prays for relief as is set forth below:

2 **SEVENTH CAUSE OF ACTION**

3 **Retaliation - in Violation of ADEA,**

4 **29 U.S.C.A. section 623.**

5 Glenn alleges against defendants CUSD and DOES 1 through 100, inclusive, as follows:

6 146. Glenn incorporates the allegations of paragraphs 1 through 84 by reference as if  
7 set forth fully herein.

8 147. Glenn is informed and believes that CUSD acted in violation of the ADEA within  
9 the meaning of 29 U.S.C.A. section 623 et seq., which prohibits retaliation, discrimination and  
10 harassment on the basis of age by and through its actions as set forth more fully in paragraphs 1-  
11 84. The protection afforded by the ADEA includes relief from discriminatory and retaliatory  
12 employment practices of public employers.

13 148. Defendants were at all material times employers within the meaning of 29 U.S.C.  
14 section 630(b), and as such are barred from discriminating, harassing and or retaliating with  
15 regard to employment decisions as set forth in 29 U.S.C.A. section 623 et seq. Glenn was at all  
16 material times an employee within the meaning of 29 U.S.C. section 630(f), which prohibits  
17 discrimination, harassment, and/or retaliation in employment.

18 149. Glenn was entitled to report wrongdoing which violates rules, laws, and  
19 regulations as outlined under federal law including that set forth in the ADEA. Glenn had a  
20 guaranteed right not to be discriminated and or retaliated against for reporting.

21 150. Glenn was at all material times alleged herein a member of a protected class (over  
22 the age of 40); she was performing competently in her position as a kindergarten teacher and she  
23 suffered adverse employment actions, further discrimination and harassment after she engaged in  
24 protected activities and reported Defendants' various state and federal law violations as set forth  
25 more fully above in paragraphs 1-84; Defendants' actions were motivated by discriminatory and  
26 retaliatory motives. Defendants' actions and were done so with the intent of retaliating, silencing,  
27 humiliating and discrediting Glenn and to serve as a warning to others similarly situated against  
28 challenges or complaints of illegal conduct to Clovis Unified School District.

1 151. The unlawful employment practices complained of above were intentional.

2 152. The unlawful employment practices complained of above were done with malice

3 and/or with reckless indifference to the protected rights of Glenn.

4 153. Glenn has suffered and continues to suffer substantial losses incurred in earnings

5 and other employment benefits she would have received but for Defendants' discrimination,

6 harassment, retaliation.

7 154. Glenn has suffered and continues to suffer embarrassment, anxiety, humiliation,  
8 intimidation, and emotional distress to her damage, as a proximate cause of Defendants' conduct.

9       155. Defendants committed the unlawful unemployment practices complained of  
10 above maliciously, fraudulently, and oppressively in bad faith with the wrongful intent to injure  
11 Glenn in conscious disregard of her rights. Glenn is entitled to recover damages from Defendants  
12 in an amount according to proof.

13 WHEREFORE, Glenn prays for relief as is set forth below:

## **EIGHTH CAUSE OF ACTION**

## **Intentional Infliction of Emotional Distress**

16 Glenn alleges against defendants CUSD and DOES 1 through 100, inclusive, as follows:

17        156. Glenn incorporates the allegations of paragraphs 1 through 84 by reference as if  
18 set forth fully herein.

19 157. At all material times alleged herein Glenn was employed by CUSD.

20 158. At all material times alleged herein Tiftick was employed by CUSD and Glenn's  
21 supervisor.

22        159. At all times herein alleged Defendants knew they were prohibited by law from  
23 engaging in discrimination and harassment on the basis of age and retaliation.

24       160. As described more fully in paragraphs 1-84, Defendants' conduct toward Glenn  
25 was outrageous and beyond all bounds of decency. Defendants intentionally subjected Glenn to  
26 years discrimination because of her age (over 40), years of pervasive and/or sever harassment  
27 because of her age and years of retaliation because Glenn engaged in protected activities by  
28 objecting to and/or reporting Defendants' various state and federal law violations as set forth

more fully above in paragraphs 1-84. All stated actions taken by Defendants are unreasonable and outrageous.

3       160. Defendants' despicable and outrageous conduct as described herein was  
4 intentional, malicious, and oppressive and done with conscious disregard of Glenn's rights.  
5 Defendants knew or should have known that their conduct would cause Glenn to suffer severe  
6 emotional distress, and did cause Glenn to suffer severe emotional distress.

7 161. At no time did Glenn consent to any outrageous conduct by Defendants. None of  
8 the conduct perpetrated by Defendants was privileged. Defendants committed said acts by  
9 asserting power over Glenn with regard to her employment, compensation, or other benefits.

10        162. As a direct and proximate result of Defendants' malicious and intentional  
11 conduct, as set forth more fully above, Glenn's emotional and physical wellbeing has suffered  
12 and will continue to suffer. Glenn has experienced and continues to experience severe emotional  
13 distress because of Defendants' actions. Glenn alleges that the Defendants' conduct was  
14 designed to humiliate and oppress her, and to cause her injury, and this conduct did humiliate,  
15 oppress, and cause her injury.

16       163. Glenn has suffered and continues to suffer substantial losses incurred in earnings  
17 and other employment benefits she would have received but for Defendants' extreme,  
18 outrageous, intentional and/or reckless conduct of discrimination, harassment, and retaliation.

19 164. Glenn has suffered and continues to suffer embarrassment, anxiety, humiliation,  
20 intimidation, and emotional distress to her damage, as a proximate cause of Defendants' conduct.

165. Defendants committed the extreme and outrageous conduct complained of above  
maliciously, fraudulently, and oppressively in bad faith with the wrongful intent to injure Glenn  
in conscious disregard of her rights. Glenn is entitled to recover damages from Defendants in an  
amount according to proof.

25 WHEREFORE, Glenn prays for relief as is set forth below:

## **NINTH CAUSE OF ACTION**

## **Negligent Infliction of Emotional Distress**

Glenn alleges against defendants CUSD and DOES 1 through 100, inclusive, as follows:

1       166. Glenn incorporates the allegations of paragraphs 1 through 84 by reference as if  
2 set forth fully herein.

3       167. At all material times alleged herein Glenn was employed by CUSD.

4       168. At all material times alleged herein Tiftick was employed by CUSD and Glenn's  
5 supervisor.

6       169. At all times herein alleged Defendants knew they were prohibited by law from  
7 engaging in discrimination and harassment on the basis of age and retaliation.

8       170. As described more fully in paragraphs 1-84, Defendants' conduct toward Glenn  
9 was outrageous and beyond all bounds of decency. Defendants negligently and/or recklessly  
10 subjected Glenn to years discrimination because of her age (over 40), years of pervasive and/or  
11 sever harassment because of her age and years of retaliation because Glenn engaged in protected  
12 activities by objecting to and/or reporting Defendants' various state and federal law violations as  
13 set forth more fully above in paragraphs 1-84. All stated actions taken by Defendants are  
14 unreasonable and outrageous.

15       171. Defendants' despicable and outrageous conduct as described herein was negligent  
16 and/or reckless, and oppressive and done with conscious disregard of Glenn's rights. Defendants  
17 knew or should have known that their conduct would cause Glenn to suffer severe emotional  
18 distress, and did cause Glenn to suffer severe emotional distress.

19       172. At no time did Glenn consent to any outrageous conduct by Defendants. None of  
20 the conduct perpetrated by Defendants was privileged. Defendants committed said acts by  
21 asserting power over Glenn with regard to her employment, compensation, or other benefits.

22       173. As a direct and proximate result of Defendants' negligent and/or reckless conduct,  
23 as set forth more fully in paragraphs 1-84, Glenn's emotional and physical wellbeing has  
24 suffered and will continue to suffer. Glenn has experienced and continues to experience severe  
25 emotional distress because of Defendants' actions. Glenn alleges that the Defendants' conduct  
26 was designed to humiliate and oppress her, and to cause her injury, and this conduct did  
27 humiliate, oppress, and cause her injury.

28       174. Glenn has suffered and continues to suffer substantial losses incurred in earnings

1 and other employment benefits she would have received but for Defendants' extreme,  
2 outrageous, negligent and/or reckless conduct of discrimination, harassment, and retaliation.

3 175. Glenn has suffered and continues to suffer embarrassment, anxiety, humiliation,  
4 intimidation, and emotional distress to her damage, as a proximate cause of Defendants' conduct.

5 176. Defendants committed the extreme and outrageous conduct complained of above  
6 maliciously, fraudulently, and oppressively in bad faith with the wrongful intent to injure Glenn  
7 in conscious disregard of her rights. Glenn is entitled to recover damages from Defendants in an  
8 amount according to proof.

9 WHEREFORE, Glenn prays for relief as is set forth below:

10 **TENTH CAUSE OF ACTION**

11 **Intentional Infliction of Emotional Distress**

12 Glenn alleges against defendants Geoffrey Tiftick and DOES 1 through 100, inclusive, as  
13 follows:

14 177. Glenn incorporates the allegations of paragraphs 1 through 84 by reference as if  
15 set forth fully herein.

16 178. At all material times alleged herein Glenn was employed by CUSD.

17 179. At all material times alleged herein Tiftick was employed by CUSD and Glenn's  
18 supervisor.

19 180. At all times herein alleged Defendants knew they were prohibited by law from  
20 engaging in discrimination and harassment on the basis of age and retaliation.

21 181. As described more fully in paragraphs 1-84, Defendants' conduct toward Glenn  
22 was outrageous and beyond all bounds of decency. Defendants intentionally subjected Glenn to  
23 years discrimination because of her age (over 40), years of pervasive and/or sever harassment  
24 because of her age and years of retaliation because Glenn engaged in protected activities by  
25 objecting to and/or reporting Defendants' various state and federal law violations as set forth  
26 more fully above in paragraphs 1-84. All stated actions taken by Defendants are unreasonable  
27 and outrageous.

28 182. Defendants' despicable and outrageous conduct as described herein was

1 intentional, malicious, and oppressive and done with conscious disregard of Glenn's rights.  
2 Defendants knew or should have known that their conduct would cause Glenn to suffer severe  
3 emotional distress, and did cause Glenn to suffer severe emotional distress.

4 183. At no time did Glenn consent to any outrageous conduct by Defendants. None of  
5 the conduct perpetrated by Defendants was privileged. Defendants committed said acts by  
6 asserting power over Glenn with regard to her employment, compensation, or other benefits.

7 184. As a direct and proximate result of Defendants' malicious and intentional  
8 conduct, as set forth more fully above, Glenn's emotional and physical wellbeing has suffered  
9 and will continue to suffer. Glenn has experienced and continues to experience severe emotional  
10 distress because of Defendants' actions. Glenn alleges that the Defendants' conduct was  
11 designed to humiliate and oppress her, and to cause her injury, and this conduct did humiliate,  
12 oppress, and cause her injury.

13 185. Glenn has suffered and continues to suffer substantial losses incurred in earnings  
14 and other employment benefits she would have received but for Defendants' extreme,  
15 outrageous, intentional and/or reckless conduct of discrimination, harassment, and retaliation.

16 186. Glenn has suffered and continues to suffer embarrassment, anxiety, humiliation,  
17 intimidation, and emotional distress to her damage, as a proximate cause of Defendants' conduct.

18 187. Defendants committed the extreme and outrageous conduct complained of above  
19 maliciously, fraudulently, and oppressively in bad faith with the wrongful intent to injure Glenn  
20 in conscious disregard of her rights. Glenn is entitled to recover damages from Defendants in an  
21 amount according to proof.

22 WHEREFORE, Glenn prays for relief as is set forth below:

23 **ELEVENTH CAUSE OF ACTION**

24 **Negligent Infliction of Emotional Distress**

25 Glenn alleges against defendants Geoffrey Tiftick and DOES 1 through 100, inclusive, as  
26 follows:

27 188. Glenn incorporates the allegations of paragraphs 1 through 84 by reference as if  
28 set forth fully herein.

1 189. At all material times alleged herein Glenn was employed by CUSD.

2 190. At all material times alleged herein Tiftick was employed by CUSD and Glenn's  
3 supervisor.

4 191. At all times herein alleged Defendants knew they were prohibited by law from  
5 engaging in discrimination and harassment on the basis of age and retaliation.

6 192. As described more fully in paragraphs 1-84, Defendants' conduct toward Glenn  
7 was outrageous and beyond all bounds of decency. Defendants negligently and/or recklessly  
8 subjected Glenn to years discrimination because of her age (over 40), years of pervasive and/or  
9 sever harassment because of her age and years of retaliation because Glenn engaged in protected  
10 activities by objecting to and/or reporting Defendants' various state and federal law violations as  
11 set forth more fully above in paragraphs 1-84. All stated actions taken by Defendants are  
12 unreasonable and outrageous.

13 193. Defendants' despicable and outrageous conduct as described herein was negligent  
14 and/or reckless, and oppressive and done with conscious disregard of Glenn's rights. Defendants  
15 knew or should have known that their conduct would cause Glenn to suffer severe emotional  
16 distress, and did cause Glenn to suffer severe emotional distress.

17 194. At no time did Glenn consent to any outrageous conduct by Defendants. None of  
18 the conduct perpetrated by Defendants was privileged. Defendants committed said acts by  
19 asserting power over Glenn with regard to her employment, compensation, or other benefits.

20 195. As a direct and proximate result of Defendants' negligent and/or reckless conduct,  
21 as set forth more fully in paragraphs 1-84, Glenn's emotional and physical wellbeing has  
22 suffered and will continue to suffer. Glenn has experienced and continues to experience severe  
23 emotional distress because of Defendants' actions. Glenn alleges that the Defendants' conduct  
24 was designed to humiliate and oppress her, and to cause her injury, and this conduct did  
25 humiliate, oppress, and cause her injury.

26 196. Glenn has suffered and continues to suffer substantial losses incurred in earnings  
27 and other employment benefits she would have received but for Defendants' extreme,  
28 outrageous, negligent and/or reckless conduct of discrimination, harassment, and retaliation.

1 197. Glenn has suffered and continues to suffer embarrassment, anxiety, humiliation,  
2 intimidation, and emotional distress to her damage, as a proximate cause of Defendants' conduct.

3       198. Defendants committed the extreme and outrageous conduct complained of above  
4 maliciously, fraudulently, and oppressively in bad faith with the wrongful intent to injure Glenn  
5 in conscious disregard of her rights. Glenn is entitled to recover damages from Defendants in an  
6 amount according to proof.

7 WHEREFORE, Glenn prays for relief as is set forth below:

## PRAYER FOR RELIEF

9 | **WHEREFORE**, Glenn prays for judgment as follows:

10       **On the first cause of action (age discrimination in violation of FEHA) against CUSD**  
11   **and DOES 1 through 100:**

12       1. For any and all compensatory damages in a sum in excess of \$300,000, the exact  
13 amount of which will be proven at trial;

14 2. For prejudgment interest on damages in amounts to be determined at trial;

15       3.     For damages for past and future non-pecuniary losses, not limited to emotional  
16 pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be  
17 determined at trial;

18       4.     For an award of attorney fees and costs that Glenn has incurred in the prosecution  
19 of this action;

20 5. For injunctive relief to ensure compliance with section 12940 of the California  
21 Government Code; and

22 6. Such other and further relief as the Court may deem equitable and just.

23       **On the second cause of action (age discrimination and harassment in violation of**  
24 **ADEA) against CUSD and DOES 1 through 100:**

25       7.     For any and all compensatory damages in a sum in excess of \$300,000, the exact  
26 amount of which will be proven at trial;

27 8. For prejudgment interest on damages in amounts to be determined at trial;

28 9. For liquidated damages for Defendants' willful discrimination in amounts to be

1 determined at trial, to the extent allowed by law;

2       10. For damages for past and future non-pecuniary losses, not limited to emotional  
3 pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, to the extent  
4 allowed by law in amounts to be determined at trial;

5       11. For an award of attorney fees and costs that Glenn has incurred in the prosecution  
6 of this action;

7       12. For injunctive relief to ensure compliance with 29 U.S.C.A. section 623; and

8       13. Such other and further relief as the Court may deem equitable and just.

9       **On the third cause of action (harassment in violation of FEHA) against TIFTICK  
10 and DOES 1 through 100:**

11       14. For any and all compensatory damages in a sum in excess of \$300,000, the exact  
12 amount of which will be proven at trial;

13       15. For prejudgment interest on damages in amounts to be determined at trial;

14       16. For damages for past and future non-pecuniary losses, not limited to emotional  
15 pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be  
16 determined at trial;

17       17. For punitive damages as a result of Defendant's willful and wanton misconduct in  
18 an amount to be determined at trial;

19       18. For an award of attorney fees and costs that Glenn has incurred in the prosecution  
20 of this action;

21       19. For injunctive relief to ensure compliance with section 12940 of the California  
22 Government Code; and

23       20. Such other and further relief as the Court may deem equitable and just.

24       **On the fourth cause of action (harassment in violation of FEHA) against CUSD and  
25 DOES 1 through 100:**

26       21. For any and all compensatory damages in a sum in excess of \$300,000, the exact  
27 amount of which will be proven at trial;

28       22. For prejudgment interest on damages in amounts to be determined at trial;

1       23. For damages for past and future non-pecuniary losses, not limited to emotional  
2 pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be  
3 determined at trial;

4       24. For an award of attorney fees and costs that Glenn has incurred in the prosecution  
5 of this action;

6       25. For injunctive relief to ensure compliance with section 12940 of the California  
7 Government Code; and

8       26. Such other and further relief as the Court may deem equitable and just.

9       **On the fifth cause of action (failure to prevent discrimination, harassment and  
10 retaliation in violation of FEHA) against CUSD and DOES 1 through 100:**

11       27. For any and all compensatory damages in a sum in excess of \$300,000, the exact  
12 amount of which will be proven at trial;

13       28. For prejudgment interest on damages in amounts to be determined at trial;

14       29. For damages for past and future non-pecuniary losses, not limited to emotional  
15 pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be  
16 determined at trial;

17       30. For an award of attorney fees and costs that Glenn has incurred in the prosecution  
18 of this action;

19       31. For injunctive relief to ensure compliance with section 12940 of the California  
20 Government Code; and

21       32. Such other and further relief as the Court may deem equitable and just.

22       **On the sixth cause of action (retaliation in violation of FEHA) against CUSD and  
23 DOES 1 through 100:**

24       33. For any and all compensatory damages in a sum in excess of \$300,000, the exact  
25 amount of which will be proven at trial;

26       34. For prejudgment interest on damages in amounts to be determined at trial;

27       35. For damages for past and future non-pecuniary losses, not limited to emotional  
28 pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be

1 determined at trial;

2       36. For an award of attorney fees and costs that Glenn has incurred in the prosecution  
3 of this action;

4       37. For injunctive relief to ensure compliance with section 12940 of the California  
5 Government Code; and

6       38. Such other and further relief as the Court may deem equitable and just.

7       **On the seventh cause of action (retaliation in violation of ADEA) against CUSD and**  
8 **DOES 1 through 100:**

9       39. For any and all compensatory damages in a sum in excess of \$300,000, the exact  
10 amount of which will be proven at trial;

11       40. For prejudgment interest on damages in amounts to be determined at trial;

12       41. For liquidated damages for Defendants' willful discrimination in amounts to be  
13 determined at trial;

14       42. For damages for past and future non-pecuniary losses, not limited to emotional  
15 pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, to the extent  
16 allowed by law in amounts to be determined at trial;

17       43. For an award of attorney fees and costs that Glenn has incurred in the prosecution  
18 of this action;

19       44. For injunctive relief to ensure compliance with 29 U.S.C.A. section 62; and

20       45. Such other and further relief as the Court may deem equitable and just.

21       **On the eighth cause of action (intentional infliction of emotional distress) against**  
22 **CUSD and DOES 1 through 100:**

23       46. For any and all compensatory damages in a sum in excess of \$300,000, the exact  
24 amount of which will be proven at trial;

25       47. For prejudgment interest on damages in amounts to be determined at trial;

26       48. For damages for past and future non-pecuniary losses, not limited to emotional  
27 pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, to the extent  
28 allowed by law in amounts to be determined at trial;

1       49.   For an award of attorney fees and costs that Glenn has incurred in the prosecution  
2 of this action; and

3       50.   Such other and further relief as the Court may deem equitable and just.

4       **On the ninth cause of action (negligent infliction of emotional distress) against**  
5 **CUSD and DOES 1 through 100:**

6       51.   For any and all compensatory damages in a sum in excess of \$300,000, the exact  
7 amount of which will be proven at trial;

8       52.   For prejudgment interest on damages in amounts to be determined at trial;

9       53.   For damages for past and future non-pecuniary losses, not limited to emotional  
10 pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, to the extent  
11 allowed by law in amounts to be determined at trial;

12       54.   For an award of attorney fees and costs that Glenn has incurred in the prosecution  
13 of this action;

14       55.   Such other and further relief as the Court may deem equitable and just.

15       **On the tenth cause of action (intentional infliction of emotional distress) against**  
16 **TIFTICK and DOES 1 through 100:**

17       56.   For any and all compensatory damages in a sum in excess of \$300,000, the exact  
18 amount of which will be proven at trial;

19       57.   For prejudgment interest on damages in amounts to be determined at trial;

20       58.   For damages for past and future non-pecuniary losses, not limited to emotional  
21 pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, to the extent  
22 allowed by law in amounts to be determined at trial;

23       59.   For punitive damages as a result of Defendant's willful and wanton misconduct in  
24 an amount to be determined at trial;

25       60.   For an award of attorney fees and costs that Glenn has incurred in the prosecution  
26 of this action; and

27       61.   Such other and further relief as the Court may deem equitable and just.

28       ///

**On the eleventh cause of action (negligent infliction of emotional distress) against TIFTICK and DOES 1 through 100:**

62. For any and all compensatory damages in a sum in excess of \$300,000, the exact amount of which will be proven at trial;

63. For prejudgment interest on damages in amounts to be determined at trial;

64. For damages for past and future non-pecuniary losses, not limited to emotional pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, to the extent allowed by law in amounts to be determined at trial;

9       65.    For punitive damages as a result of Defendant's willful and wanton misconduct in  
10 an amount to be determined at trial;

11       66. For an award of attorney fees and costs that Glenn has incurred in the prosecution  
12 of this action; and

13 67. Such other and further relief as the Court may deem equitable and just.

14 Dated: October 15, 2013.

MOSS, TUCKER, CHIU HEBESHA & WARD PC

By: Amandeep Jitkaler

AMANDA G. HEBESHA  
Attorneys for Plaintiff,  
CAROLYN GLENN

10576.01-PDLG-COMPLAINT

MOSS, TUCKER, CHIU,  
HEBESHA & WARD PC  
5260 N. PALM AVE., # 205  
FRESNO, CA 93704

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**EXHIBIT "A"**

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STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA 95758  
800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov) | email: [contactcenter@dfeh.ca.gov](mailto:contactcenter@dfeh.ca.gov)

GOVERNOR RONALD G. BROWN JR.  
DIRECTOR PHYLLIS W. CHENG

July 15, 2013

Amanda Hebesha and Douglas Tucker  
5260 N. Palm Ave, Suite 205  
Fresno, Ca, 93704

**RE: Notice to Complainant's Attorney**  
DFEH Matter Number: 140047-59907  
Right to Sue: Glenn / Clovis Unified School District

Dear Attorney:

Attached is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your client's Notice of Case Closure and Right to Sue. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California.

Be advised that the Department of Fair Employment and Housing does not review or edit this complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA

Business, Consumer Services and Housing Agency

## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800.684.1684 | Videophone 916.226.5285 | TTY 800.700.2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

GOVERNOR ERICKSON G. BROWN JR.  
DIRECTOR PHYLLIS A. CHENG

July 15, 2013

**RE: Notice of Filing of Discrimination Complaint**

DFEH Matter Number: 140047-59907

Right to Sue: Glenn / Clovis Unified School District

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by the DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

**No response to DFEH is requested or required.**

Sincerely,

Department of Fair Employment and Housing

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE  
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**DFEH MATTER NUMBER  
140047-59907COMPLAINANT  
Carolyn Glenn

NAMED IS THE EMPLOYER, PERSON, AGENCY, ORGANIZATION OR GOVERNMENT ENTITY WHO DISCRIMINATED AGAINST ME

RESPONDENT	ADDRESS	PHONE
Clovis Unified School District,	1450 Herndon Ave Clovis CA 93611	(559) 327-9000

AGENT FOR SERVICE	ADDRESS	PHONE
,		

NO. OF EMPLOYEES	MOST RECENT DISCRIMINATION TOOK PLACE	TYPE OF EMPLOYER
0	Apr 02, 2013	Public Elem/Secondary School

CO-RESPONDENT(S)	ADDRESS
Geoffrey Tifick	1880 Fowler Clovis CA 93611



**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE  
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

DFEH MATTER NUMBER  
140047-59907

I ALLEGED THAT I EXPERIENCED Discrimination, Harassment, Retaliation  
ON OR BEFORE Apr 02, 2013  
BECAUSE OF MY Age - 40 and over, Engagement in Protected Activity, Sex- Gender  
AS A RESULT, I WAS Denied a good faith interactive process, Denied a work environment free of discrimination and/or retaliation, Denied or forced to transfer, Forced to quit

## STATEMENT OF FACTS

Prior to Respondents' last acts of discrimination, harassment and/or retaliation, Ms. Glenn was a kindergarten teacher at Jefferson Elementary School and employed by Respondent Clovis Unified School District. The principal of her school is Respondent Geoffery Tiftick. Mr. Tiftick has continuously and pervasively engaged in discriminating, harassing and retaliatory conduct towards our client to such an extent that working conditions are hostile and have become so intolerable such that she is being forced to resign rather than face resumed harassment, discrimination and/or retaliation by Mr. Tiftick and Clovis Unified School District. In addition to Mr. Tiftick's illegal conduct, Clovis Unified School District has also engaged in the discrimination and retaliatory conduct by failing to take all reasonable steps necessary to prevent the discrimination, harassment and/or retaliation from occurring. Specifically, instead of taking Ms. Glenn's repeated reports of Mr. Tiftick's illegal conduct seriously and engaging in a good faith, thorough and objectively reasonable investigation and assessment of the situation, and taking immediate corrective action, Clovis Unified School District engaged in institutional retaliation and discrimination by engaging in an institutional cover-up of it and Mr. Tiftick's illegal conduct. In its internal investigation, Clovis Unified School District intentionally disregarded and minimized the facts and testimony of Ms. Glenn and other third party witnesses who testified in the internal investigation. Clovis Unified School District issued a conclusory, one-sided written assessment of the situation that was without factual support, that failed to give credence to any of Ms. Glenn's claims and Mr. Tiftick's illegal conduct thereby furthering the discrimination, harassment and/or retaliation. Clovis Unified School District's actions, and lack thereof, essentially rendered Ms. Glenn's rights to complain and seek redress of Mr. Tiftick's illegal conduct illusory and were done so with the intent of silencing and discrediting Ms. Glenn and to serve as a warning to others similarly situated against challenges or complaints of illegal treatment to Clovis Unified School District. Clovis Unified School District also dispersed the names of the individuals who participated in the internal investigation and testified on behalf of Ms. Glenn and against Mr. Tiftick, some of which are currently employed by the district, to other district employees not involved in the investigation. Respondents' behavior, harassment, discrimination and/or retaliation against Ms. Glenn is on the basis of her age [she is 65 years old] and gender. Attached hereto and incorporated herein are relevant correspondences concerning this matter.

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE  
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**DFEH MATTER NUMBER  
140047-59907**SIGNED UNDER PENALTY OF PERJURY**

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right to sue. I understand that if I want a federal right to sue notice, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure and Right to Sue," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint, I am declaring under penalty of perjury under the laws of the State of California that, to the best of my knowledge, all information contained in this complaint is true and correct, except matters stated on my information and belief, and I declare that those matters I believe to be true.

Verified by Amanda Hebesha, Attorney for Complainant, and dated on July 15, 2013 at Clovis, CA.



STATE OF CALIFORNIA - Business, Consumer Services and Housing Agency

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA 95758  
800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

GOVERNOR EDMUND G. BROWN JR.  
DIRECTOR PHYLLIS N. CHENG

Jul 15, 2013

Carolyn Glenn  
7665 N. Highland  
Clovis, CA 93611

**RE: Notice of Case Closure and Right to Sue**

DFEH Matter Number: 140047-59907

Right to Sue: Glenn / Clovis Unified School District,

Dear Carolyn Glenn:

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective Jul 15, 2013 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

**This letter is also your Right to Sue notice.** According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

Enclosures

cc: , Agent for Service for Clovis Unified School District  
Geoffrey Tiftick

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**EXHIBIT "B"**

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## CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

 FEPA  
 EEOC

485-2013-00390

## California Department Of Fair Employment &amp; Housing

State or local Agency, if any

and EEOC

Name (Indicate Mr., Ms., Mrs.)

Ms. Carolyn J. Glenn

Home Phone (Incl. Area Code)

(559) 299-2210

Date of Birth  
06-28-1948

Street Address

City, State and ZIP Code

P.O. Box 146, Clovis, CA 93613

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CLOVIS UNIFIED SCHOOL DISTRICT

No. Employees, Members

Phone No. (Include Area Code)  
(559) 327-9000

Street Address

City, State and ZIP Code

1450 Herndon Ave., Clovis, CA 93611

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

## DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE  COLOR  SEX  RELIGION  NATIONAL ORIGIN  
 RETALIATION  AGE  DISABILITY  GENETIC INFORMATION  
 OTHER (Specify)

## DATE(S) DISCRIMINATION TOOK PLACE

Earliest  
9-2009  
Latest  
07-01-2013

 CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. I am employed as a Teacher at Jefferson Elementary School (Clovis Unified School District). Geoffrey Tiftick is the principal/supervisor at the school. I am 65 years old and am treated differently by Mr. Tiftick than younger employees, including but not limited to, derogatory comments about my age, grade reassignment, negative evaluations, reprimands regarding alleged misconduct, and unsafe working conditions. I complained about the different treatment to the district office; however, nothing changed. In April 2013, I signed my notice of intent to return for the 2013-2014 school year. Immediately thereafter, I was reassigned and replaced by a much younger individual.
- II. No reason was given for the differential treatment.
- III. I believe that I have been subjected to different terms/conditions of employment, discipline, and harassment because of my age, 65, in violation of the Age Discrimination in Employment Act of 1967, as amended. I believe I have been subjected to retaliation for opposing discrimination in violation of the Age Discrimination in Employment Act of 1967, as amended.
- IV. I believe that other employees within the Clovis Unified School District have been subjected to different terms/conditions of employment and harassed because of age, in violation of the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

July 25, 2013 Carolyn J. Glenn  
 Date Charging Party Signature

## NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

RECEIVED

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

EEOC

FRESNO LOCAL OFFICE

**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### **NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW**

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### **NOTICE OF NON-RETALIATION REQUIREMENTS**

Please notify EEOC or the state or local agency where you filed your charge if retaliation is taken against you or others who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an employer to discriminate against present or former employees or job applicants, for an employment agency to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.